



Ohio Board of Nursing

17 S. High Street, Suite 660 • Columbus, Ohio 43215-3466 • 614-466-3947

www.nursing.ohio.gov

I certify that the attached records are a true copy of Ohio Board of Nursing disciplinary records.

Betsy J. Houchen

Betsy Houchen, R.N., M.S., J.D.
Executive Director





Ohio Board of Nursing

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CONSENT AGREEMENT BETWEEN **MARSHA ATKINS, R.N., C.N.M.** AND **OHIO BOARD OF NURSING**

This Consent Agreement is entered into by and between **MARSHA ATKINS, R.N., C.N.M. (DR. ATKINS)** and the Ohio Board of Nursing (Board), the state agency charged with enforcing Chapter 4723 of the Ohio Revised Code (ORC), and all administrative rules promulgated thereunder.

For purposes of this Agreement, "Consent Agreement" shall be defined as this Agreement, and the following records attached hereto and incorporated herein:

- Notice of Opportunity for Hearing dated March 16, 2012 (March 2012 Notice)

This Consent Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Consent Agreement.

BASIS FOR ACTION

This Consent Agreement is entered into on the basis of the following stipulations, admissions and understandings:

- A. The Board is empowered by Section 4723.28, ORC, to deny, permanently revoke, revoke, suspend, or place restrictions on any license issued by the Board; reprimand or otherwise discipline a licensee; or impose a fine of five hundred dollars (\$500.00) or less per violation. Section 4723.28(B)(16), ORC, authorizes the Board to discipline a licensee for violation of Chapter 4723, ORC, or any rules adopted under it. Specifically, Rule 4723-4-06(P), Ohio Administrative Code, states that a licensed nurse shall not make any false, misleading, or deceptive statements, or submit or cause to be submitted any false, misleading or deceptive information, or documentation to: (6) Law enforcement personnel.
- B. **DR. ATKINS'** license to practice nursing as a registered nurse, RN-303895, in the State of Ohio, was initially issued in December 2002. **DR. ATKINS'** certificate of authority to practice nursing as a certified nurse midwife, COA-07211, in the State of Ohio, was initially issued December 2002. **DR. ATKINS** has an active license as a registered nurse and is a certified nurse midwife in Illinois.

- C. **DR. ATKINS** knowingly and voluntarily admits to the factual and legal allegations set forth in the March 2012 Notice.
- D. **DR. ATKINS** states that she received a telephone call while at work and answered “**DR. ATKINS**”, as she holds a Doctor of Nursing Practice, works as a Dean at a Nursing School, and always answers calls at her office by referring to herself as “**DR. ATKINS**”. The caller asked for **DR. ATKINS** by her maiden name, and identified himself as a law enforcement officer with the Fairfield County Prosecutor’s Office. The caller then advised **DR. ATKINS** that he had received an anonymous call stating that she had been the victim of identity theft and that he needed some of her personal information. **DR. ATKINS** attempted to verify the caller’s identity by accessing the Fairfield County Prosecutor’s website during the call, but could not find the name of the caller on the webpage. The caller asked **DR. ATKINS** repeatedly if she was a physician. **DR. ATKINS** continually answered “yes” to end the call and admits that she affirmed she was a physician because she was trying to end the call as quickly as possible. **DR. ATKINS** acknowledges that it is inappropriate to identify herself as a physician.
- E. **DR. ATKINS** states that she is a retired United States Air Force Officer. **DR. ATKINS** holds a BA in Education, BSN in Nursing, MSN Masters of Science in Nursing and DNP, Doctorate in Nursing Practice.
- F. **DR. ATKINS** submitted letters from her employer, Cuyahoga Community College, that acknowledge the College has been informed by **DR. ATKINS** of the pending Board action.

AGREED CONDITIONS

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, **DR. ATKINS**’ license to practice nursing as a registered nurse and certificate of authority to practice nursing as a certified nurse midwife in the State of Ohio shall be **REPRIMANDED**. **DR. ATKINS** knowingly and voluntarily agrees with the Board to the following terms, conditions and limitations:

1. **By December 27, 2012, DR. ATKINS** shall pay the fine of five hundred dollars (\$500.00), by certified check, cashier check, or money order, made payable to the “Treasurer, State of Ohio,” to the Board. Payment shall be mailed to the attention of the Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.
2. **By December 27, 2012**, in addition to the requirements for licensure renewal, **DR. ATKINS** shall successfully complete and submit documentation of satisfactory completion of the following continuing nursing education, or another comparable education class approved in advance by the Board or its designee, **taken subsequent to the effective date of this Consent**

Agreement: Two (2) hours of Ohio Law and Rules; and two (2) hours in Ethics.

FAILURE TO COMPLY

DR. ATKINS agrees that her license to practice nursing as a registered nurse and her certificate of authority as a certified midwife will be automatically suspended if it appears to the Board that **DR. ATKINS** has violated or breached any terms or conditions of the Consent Agreement. Following the automatic suspension, the Board shall notify **DR. ATKINS** via certified mail of the specific nature of the charges and automatic suspension of her license and certificate. Upon receipt of this notice, **DR. ATKINS** may request a hearing regarding the charges.

The above described terms and conditions shall constitute "restrictions placed on a license" for purposes of Section 4723.28(B), ORC. If, in the discretion of the Board, **DR. ATKINS** appears to have violated or breached any terms or conditions of this Consent Agreement, the Board reserves the right to institute formal disciplinary proceedings for any and all possible violations or breaches, including, but not limited to, alleged violations of the laws of Ohio occurring before the effective date of this Consent Agreement.

MODIFICATION OF TERMS

The terms, limitations and conditions of this Consent Agreement may be modified or terminated, in writing, at any time upon the agreement of both **DR. ATKINS** and the Board.

ACKNOWLEDGMENTS/LIABILITY RELEASE

DR. ATKINS acknowledges that she has had an opportunity to ask questions concerning the terms of this Consent Agreement and that all questions asked have been answered in a satisfactory manner.

DR. ATKINS waives all of her rights under Chapter 119, ORC, as they relate to matters that are the subject of this Consent Agreement.

DR. ATKINS waives any and all claims or causes of action she may have against the Board, and its members, officers, employees and/or agents arising out of matters that are the subject of this Consent Agreement.

This Consent Agreement shall be considered a public record as that term is used in Section 149.43, ORC. The information contained herein may be reported to appropriate organizations, data banks and governmental bodies.

This Consent Agreement is not an adjudication order as discussed in Chapter 119, ORC. Any action initiated by the Board based on alleged violations of this Consent Agreement shall comply with the Administrative Procedures Act, Chapter 119, ORC.

EFFECTIVE DATE

DR. ATKINS understands that this Consent Agreement is subject to ratification by the Board prior to signature by the Board President and shall become effective upon the last date of signature below.


MARSHA ATKINS, R.N., C.N.M.

15 Sept 12
DATE


ELIZABETH COLLIS, ESQ.
Attorney for Marsha Atkins, R.N., C.N.M.

9/17/12
DATE


BERTHA LOVELACE, BACRNA, RN
BERTHA LOVELACE, President
Ohio Board of Nursing

9/21/2012
DATE



Ohio Board of Nursing

www.nursing.ohio.gov

17 South High Street, Suite 400 • Columbus, Ohio 43215-7410 • (614) 466-3947

March 16, 2012

NOTICE OF OPPORTUNITY FOR HEARING

Marsha Atkins, R.N., C.N.M.
9437 Haaf Farm Dr NW
Pickerington, OH 43147

Dear Ms. Atkins:

In accordance with Chapter 119, Ohio Revised Code (ORC), you are hereby notified that the Ohio Board of Nursing (Board) proposes under authority of Section 4723.28, ORC, to deny, revoke, permanently revoke, suspend or place restrictions on your license to practice nursing as a registered nurse and your certificate of authority to practice as a certified nurse midwife; reprimand or otherwise discipline you; or impose a fine of not more than five hundred dollars (\$500.00) per violation for the following reasons:

1. On or about June 21, 2011, in a telephone conversation with law enforcement personnel you held yourself out as a physician. Law enforcement was conducting an investigation involving alleged benefits fraud being committed against Fairfield County Job and Family Services.

Section 4723.28(B)(16), ORC, authorizes the Board to discipline a licensee for violation of Chapter 4723, ORC, or any rules adopted under it. Specifically, Rule 4723-04-06(P), Ohio Administrative Code, states that a licensed nurse shall not make any false, misleading, or deceptive statements, or submit or cause to be submitted any false, misleading or deceptive information, or documentation to: (6) Law enforcement personnel.

Accordingly, the Board is authorized to impose one or more of the sanctions as cited in Section 4723.28 ORC.

In accordance with Chapter 119, ORC, you are hereby informed that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the Board office within thirty (30) days of the time of mailing of this notice.

You are hereby further informed that, if you timely request a hearing, you are entitled to appear at such hearing in person, by your attorney, or by such other representative as is permitted to practice before the Board, or you may present your position, arguments, or contentions in writing. At the hearing you may also present evidence and examine witnesses appearing for and against you.

Marsha Atkins, R.N., C.N.M.

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Should you choose to request a hearing, please mail or deliver the request, in addition to any other correspondence regarding this matter, to: **Lisa Ferguson-Ramos, Compliance Unit Manager, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410, or to the email address, hearing@nursing.ohio.gov.**

If the Board fails to receive a request for a hearing within thirty (30) days of the time of mailing of this notice, the Board may, in your absence and upon consideration of the factual and legal allegations set forth in this Notice of Opportunity for Hearing, deny, permanently revoke, revoke, suspend or place restrictions on your license to practice nursing as a registered nurse and certificate of authority to practice as a certified nurse midwife; reprimand or otherwise discipline you; or impose a fine of not more than five hundred dollars (\$500.00) per violation.

Sincerely,



Judith A. Church, R.N., C.N.P.
Supervising Member

Certified Mail Receipt No. 7011 2970 0003 1733 1469

cc: Michelle Sutter, Assistant Attorney General